

GINETTE DIONNE

v.

RONALD DIONNE

Submitted on Briefs December 1, 2011

Decided December 29, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, MEAD, GORMAN, and  
JABAR, JJ.

#### MEMORANDUM OF DECISION

Ronald Dionne appeals, and Ginette Dionne cross-appeals, from a divorce judgment entered by the District Court (Fort Kent, *Soucy, J.*). The parties present several issues that we address in turn.

First, contrary to Ronald's contention, the court did not abuse its discretion in admitting Ginette's expert's valuation of two vintage automobiles. Ronald knew well in advance of trial that the expert would be called as a witness on that issue, and he never requested information about the substance of the expert's opinion pursuant to M.R. Civ. P. 112 at any time before trial, nor did he request a continuance at trial. *See Bray v. Grindle*, 2002 ME 130, ¶¶ 9-10, 802 A.2d 1004; M.R. Civ. P. 26(b)(4). Additionally, the court did not abuse its discretion in qualifying Ginette's proffered witness as competent to provide expert opinion testimony as to the value of the automobiles and of the marital home. *See* M.R. Evid. 702; *State v. Cookson*, 2003 ME 136, ¶¶ 20, 22, 837 A.2d 101.

Second, contrary to Ronald's and Ginette's contentions, the court did not err in finding that the value of both vintage automobiles at issue were partially marital property and partially nonmarital property. *See Bond v. Bond*, 2011 ME 54, ¶ 10,

17 A.3d 1219 (reviewing a court’s determination that property is marital or nonmarital for clear error); *Clum v. Graves*, 1999 ME 77, ¶ 10, 729 A.2d 900 (“A party seeking to characterize property acquired during marriage as nonmarital property has the burden of rebutting the statutory presumption [that the property is marital].”). Contrary to her contention in her cross-appeal, Ginette had conceded to the divorce court that one-half of the value of one of the vehicles was nonmarital property, making the court’s findings more generous to Ginette than she had proposed.

Third, contrary to the parties’ contentions, the divorce court did not abuse its discretion in determining the award of general spousal support to Ginette; the court properly considered all of the statutory factors, including its determinations concerning the lack of economic misconduct by either party, and the court’s factual findings relating to those factors are supported by competent record evidence. *See* 19-A M.R.S. § 951-A(5) (2010); *Catlett v. Catlett*, 2009 ME 49, ¶ 36, 970 A.2d 287.<sup>1</sup>

The entry is:

Judgment affirmed.

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**On the briefs:**

Theodore M. Smith, Esq., Smith Law Office, LLC, Van Buren, for appellant  
Ronald Dionne

L. James Lavertu, Esq., Madawaska, for appellee Ginette Dionne

Fort Kent District Court docket number FM-2009-9  
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<sup>1</sup> Ginette also asserts that the court erred in failing to award her transitional support. We decline to address this contention. Ginette failed to adequately brief this issue and there is no indication in the record that she requested such support before the divorce court. *See Mehlhorn v. Derby*, 2006 ME 110, ¶ 11, 905 A.2d 290 (“An issue that is barely mentioned in a brief is in the same category as an issue not mentioned at all.”); *Holland v. Sebunya*, 2000 ME 160, ¶ 3 n.2, 759 A.2d 205 (stating that issues raised for the first time on appeal will be denied cognizance).